

HUNGARY

	2011	2012
INTERNET FREEDOM STATUS	n/a	Free
Obstacles to Access (0-25)	n/a	5
Limits on Content (0-35)	n/a	6
Violations of User Rights (0-40)	n/a	8
Total (0-100)	n/a	19

* 0=most free, 100=least free

POPULATION: 9.9 million
INTERNET PENETRATION 2011: 59 percent
WEB 2.0 APPLICATIONS BLOCKED: No
NOTABLE POLITICAL CENSORSHIP: No
BLOGGERS/ ICT USERS ARRESTED: No
PRESS FREEDOM STATUS: Partly Free

INTRODUCTION

When Hungary transitioned from a one-party state to a parliamentary democracy in 1989-1990, very few people were using the internet in the country. In the following years, dial-up connections spread and the number of users expanded, particularly in the 2000s when the price of internet started to decrease while broadband connections increased. Today, a large majority of the population is online. Information and communication technologies (ICTs) are being used not only for social activities and newsgathering, but also increasingly for political activism. ICTs in Hungary are not censored centrally but they are monitored by the national security services.

In the 2010 parliamentary elections, the conservative Hungarian Civic Union (Fidesz) and its ally, the Christian Democratic People's Party (KDNP), won a landslide victory gaining more than two-thirds of the seats, which enabled them to draft and accept a set of laws regulating the media, including the 2010 media regulation, which has provisions regulating online newspapers and news portals. A new media regulatory authority, the National Media and Infocommunications Authority (NMHH), was also established to oversee the telecommunications industry and has the power to penalize or suspend news portals that violate stipulations of the media regulation. While the media regulation threatens to have a chilling effect on journalism, the Hungarian Constitutional Court ruled that some stipulations of the media regulation were unconstitutional in December 2011.

Hungary adopted a new constitution in April 2011 that includes provisions regulating the

telecommunications industry and media as a whole.¹ The new constitution also created the National Agency for Data Protection whose independence has been called into question due to the political appointment process of the agency's leadership.

OBSTACLES TO ACCESS

According to the International Telecommunications Union (ITU), internet penetration in Hungary stood at 59 percent in 2011,² up from 47 percent in 2006, while the National Media and Infocommunications Authority of Hungary (NMHH) reported in late 2011 that 54.5 percent of households have a broadband internet subscription.³ The ITU and NMHH also recorded a mobile phone penetration rate of 117.3 percent and 2,155,000 mobile internet subscriptions in 2011.⁴ Dial-up internet service is not widely used, and nearly 70 percent of residential areas have 3G coverage.⁵ Nevertheless, 28 percent of the population had never used the internet in 2011, according to Eurostat statistics.⁶

There are geographical, socioeconomic, and ethnic differences in Hungary's internet penetration, with low access rates found in rural areas⁷ and among the Roma community, the country's largest ethnic minority.⁸ Most internet users access the internet from home, work, and school, while access at internet cafes and telecottages (local community centers) is less common.⁹ There is no need to approve the opening of cybercafes.

¹ The Fundamental Law of Hungary, Art. 9, par. 3.

² International Telecommunication Union (ITU), "Percentage of individuals using the Internet, fixed (wired) Internet subscriptions, fixed (wired)-broadband subscriptions," 2006 & 2011, accessed July 13, 2012, <http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#>.

³ "Flash report on wireline service," National Media and Infocommunications Authority (NMHH), November 2011, <http://www.nmhh.hu/dokumentum.php?cid=29609&letolt>.

⁴ "Flash report on mobile internet," NMHH, December 2011, <http://www.nmhh.hu/dokumentum.php?cid=29784&letolt>; Hungary's population was 9,962,000 by the end of 2011. See, "Population, vital events," Hungarian Central Statistical Office (KSH), accessed August 15, 2012, http://portal.ksh.hu/pls/ksh/docs/eng/xstadat/xstadat_infra/e_wdsd001a.html.

⁵ Ibid.

⁶ "Individuals who have never used the internet. Percentage of individuals aged 16 to 74," Eurostat, accessed January 23, 2012, <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&plugin=1&language=en&pcode=tin00093>.

⁷ Anna Galász, Ithaka Kht, eds., "A digitális jövő térképe. A magyar társadalom és az internet. Jelentés a World Internet projekt 2007. évi magyarországi kutatásának eredményeiről" [The map of the digital future. The Hungarian society and the internet. Report on the results of the 2007 World Internet Project's Hungarian research], (Budapest: 2007), p. 20.

⁸ Statistically speaking, someone who is younger, studying, working or has a degree, and living in the capital or in a city is more likely to use internet than the elderly, unemployed or pensioner, with lower educational background, living in a village. See, World Internet Project (WIP), *Report on the Hungarian Research for the World Internet Project 2007* (Budapest: Ithaka, 2008), pg. 26, http://worldinternetproject.com/files/Published/oldis/Hungary_Report_2007.pdf; "Internet-riport 2011/Q3" [Internet-report 2011/Q3], Nrc.hu, January 13, 2012, <http://nrc.hu/index.php?name=OE-eLibrary&file=download&keret=N&showheader=N&id=215>.

⁹ In 2006 survey where multiple answers could be given, 63 percent of respondents accessed internet from home, 37 percent from work, 24 percent from school, 9 percent from a library, 4 percent from a telecottages, 7 percent from a internet café, 23 percent at a friend's place, and two percent from other places. See, World Internet Project (WIP), *Report on the Hungarian Research for the World Internet Project 2007*, pg. 39.

The Budapest Internet eXchange (BIX) is a network system that maintains the Hungarian internet traffic between domestic internet service providers (ISPs) and is overseen by the Council of Hungarian Internet Service Providers (ISZT)¹⁰ without any governmental interference.¹¹ Shutting down the BIX would only slow down the internet in Hungary, and as BIX includes a domain name system (DNS) server that translates “.hu” domains, it would cause further difficulties.¹² The government does not restrict bandwidth, routers, and switches,¹³ and backbone connections are owned by telecommunications companies.¹⁴ Legally, the internet and other telecommunications services can be paused or limited in case of unexpected attacks, for preemptive defense, or in states of emergency or national crisis.¹⁵

YouTube, Facebook, Twitter, international blog-hosting services, instant, person-to-person communication, and other Web 2.0 applications are freely available. An increasing number of widely used software and websites are available in Hungarian, and there are several Hungarian blog-hosting sites.¹⁶ By the end of 2011, there were more than 600,000 registered “.hu” domains¹⁷ registered at some 130 companies.¹⁸

Ten ISPs share 94 percent of the total fixed broadband market,¹⁹ and there are three mobile phone providers that are all privately owned by foreign companies.²⁰ New actors are entering the mobile phone market in 2012, including a virtual mobile company operated by British Tesco and a mobile frequency tender that was won by a consortium of state-owned companies.²¹

Following the 2010 parliamentary elections and the passage of the 2010 media regulation, the National Media and Infocommunications Authority (NMHH) was also established to oversee the telecommunications industry. Its activities range from mobile phone frequency

¹⁰ “BIX Charter,” Budapest Internet Exchange (BIX), April 21, 2009, <http://bix.hu/?lang=en&page=charter>.

¹¹ Zoltán Kalmár, Council of Hungarian Internet Service Providers, email communication, January 24, 2012.

¹² “Le lehetne kapcsolni a magyar internetet is?” [Could the Hungarian internet be shut down too?], Index.hu, February 11, 2011, http://index.hu/tech/net/2011/02/11/le_lehetne_kapcsolni_a_magyar_internetet_is/.

¹³ Zoltán Kalmár, Council of Hungarian Internet Service Providers, email communication, January 24, 2012.

¹⁴ “Magyarország internetes infrastruktúrája” [Hungary’s internet infrastructure], Rentit.hu, January 29, 2010, <http://www.rentit.hu/cikk/83/magyarorszag-internetes-infrastrukturaja.aspx>.

¹⁵ Act CXIII of 2011 on home defense, Military of Hungary, and the implementable measures under special legal order, Art. 68, par. 5.

¹⁶ The largest Hungarian blog hosting site is Blog.hu with over 100,000 blogs, of which 17,000 are updated regularly. See, Cemp Sales House, “Médiaajánlatok” [Media offers], accessed January 27, 2012, <http://ajanlat.index.hu/ajanlatok/>.

¹⁷ “The number of domains under the .hu public domains,” Council of Hungarian Internet Providers, accessed January 23, 2012, <http://www.nic.hu/English/statisztika/>.

¹⁸ “List of registrars,” Official .hu domain registry, accessed January 24, 2012, <http://www.domain.hu/domain/English/>.

¹⁹ Major ISPs are: T-Home with a 62 percent market share, Invitel 13 percent, and UPC 10 percent. See, “Flash report on wireline service,” NMHH, November 2011.

²⁰ The three mobile phone companies are: T-Mobile with a 45 percent market share, Telenor 32 percent, and Vodafone 23 percent. See, “Flash report on mobile phone,” NMHH, December 2011.

²¹ “State-run consortium bags biggest frequency block at auction,” Bbj.hu, January 31, 2012, http://www.bbj.hu/business/update---state-run-consortium-bags-biggest-frequency-block-at-auction--_62585.

allocation to telecommunications market surveillance.²² The Media Council is the NMHH's decision-making body related to media outlets, and its responsibilities include allocating television and radio frequencies and penalizing violations of media regulations. The members of the Media Council are nominated and elected by the governing two-thirds parliamentary majority.²³ The current president of NMHH, a former Fidesz member of parliament, is also the president of the Media Council and was appointed directly by the prime minister for a nine-year term, indicating a lack of independence of the council.²⁴ As the media authority was established in 2010, it is too early to assess whether its decisions are fair and independent from direct political influence. Nevertheless, a 2011 decision on a regional radio's frequency is considered to be controversial,²⁵ and all but one of the applicants of a mobile phone frequency tender was rejected by the NMHH based on “formal deficiencies” in 2012.²⁶

In the new Hungarian constitution adopted in April 2011, the governing parties prematurely ended the six-year term of the well-functioning Data Protection Commissioner, replacing it with the National Agency for Data Protection. The head of the new agency is nominated by the prime minister, appointed for a nine-year term, and can be dismissed by the president or prime minister on arbitrary grounds,²⁷ calling into question the independence of the agency.

LIMITS ON CONTENT

Technical filtering and censorship of websites, blogs, or text messages does not exist in Hungary, nor are there methods to prevent users from accessing any content.²⁸ Anyone can launch a blog, a website, or any kind of online site to freely express his or her opinion. Nevertheless, the 2010 media regulation has some general content regulation provisions concerning online media outlets, particularly if they provide services for a profit. For example, online media outlets bear editorial responsibility if their aim is to distribute

²² Act CLXXXV of 2010 on media services and mass media, Art. 110.

²³ Act CLXXXV of 2010, Art. 124. Even if not exclusively the governing party but opposition parties had delegated members, the Media Council would only represent the parliamentary parties, like under the previous media law, thus it would be dependent upon the nominating parties.

²⁴ Act CLXXXV of 2010, Art. 111, par. 3.

²⁵ “Memorandum to the European Union on Media Freedom in Hungary,” Human Rights Watch, February 16, 2012, <http://www.hrw.org/news/2012/02/16/memorandum-european-union-media-freedom-hungary>.

²⁶ “State-run consortium bags biggest frequency block at auction,” Bbj.hu, January 31, 2012.

²⁷ Act CXII of 2011 on data protection and freedom of information, Art. 40, par. 1, 3, Art. 45, par. 4–5.

²⁸ Even though Hungary signed the Anti-counterfeiting Trade Agreement (ACTA)—which still needs to be ratified by the parliament—it does not impose any stricter rules related to intellectual property than the operating Hungarian laws, according to the National Board Against Counterfeiting. See, “Kérdések és válaszok a Hamisítás Elleni Kereskedelmi Megállapodásról (ACTA)” [Questions and Answers on the Anti-counterfeiting Trade Agreement (ACTA)], February 3, 2012, <http://www.hamisitasellen.hu/hu/hirek/2012/kerdesek-es-valaszok-a-hamisitas-elleni-kereskedelmi-megallapodasrol-acta>.

content to the public for “information, entertainment or training purposes.”²⁹ A member of the Media Council claimed that a blog qualified as such if it was produced for a living.³⁰

The 2010 media regulation also stipulates that media content—both online and offline—may not offend, discriminate or “incite hatred against persons, nations, communities, national, ethnic, linguistic and other minorities or any majority as well as any church or religious groups.”³¹ Further, human dignity, constitutional order, and human rights must be respected, and privacy and public morals cannot be violated.³² However, the law does not define the meaning of “any majority” or “public morals.” If a news portal does not comply with the law, the Media Council may oblige it to “discontinue its unlawful conduct,” publish a notice or the resolution on its front page, or pay a fine of up to 25 million forints (US\$124,415). If a site repeatedly violates the stipulations of the media regulation, the intermediary service provider can be obligated to suspend the given domain, and as a last resort, the media authority can delete the site from the administrative registry.³³ An appeal can be brought to the court.

Critics of the 2010 media regulation contend that it operates with unclear provisions and imposes high fines and sanctions on media outlets,³⁴ which might give rise to uncertainty and fear, lead to self-censorship, and have a chilling effect on journalism as a whole. Nonetheless, no online media outlet has been fined based on the 2010 media regulation, and in December 2011, the Constitutional Court excluded online newspapers and news portals from the scope of the media regulation, effective on May 31, 2012.³⁵

Intermediary service providers are not legally responsible for transmitted content if they did not initiate or select the receiver of the transmission, or select or modify the transmitted information.³⁶ Further, ISPs are also not obliged to verify the content it “transmits, stores or makes available,” nor do they need to seek for unlawful activity.³⁷

The NMHH operates an internet hotline where disturbing or allegedly unlawful content such as child pornography can be reported. In cases of a “presumably illegal website,” the

²⁹ Act CIV of 2010 on the freedom of the press and the fundamental rules on media content, Art. 1, par. 6.

³⁰ “Tanácsnokok és bloggerek” [Members and bloggers], *Mediatanacs.blog.hu*, January 11, 2011, http://mediatanacs.blog.hu/2011/01/11/tanacsnokok_es_bloggerek.

³¹ Act CIV of 2010, Art. 17.

³² Act CIV of 2010, Art. 14, 16, 18, 4, par. 3.

³³ Act CLXXXV of 2010, Art. 186, par. 1., 187, par. 3, 189, par. 4.

³⁴ “Hungarian media laws Q&A,” Article 19, August 2011, <http://www.article19.org/data/files/medialibrary/2714/11-09-01-REPORT-hungary.pdf>.

³⁵ Judit Bayer, “Hungarian Constitutional Court repeals parts of Media Constitution and Media Law,” *Media Laws*, December 29, 2011, <http://www.medialaws.eu/hungarian-constitutional-court-repeals-parts-of-media-constitution-and-media-law/>.

³⁶ Act CVIII of 2001, Art. 8, par. 1. Intermediary service providers transmit, cache, host, or search information.

³⁷ Act CVIII of 2001, Art. 7. par. 3.

authority asks the content provider to delete the offending content and notifies the police. It is highlighted that the hotline is “not an authority procedure, but an activity undertaken by the National Media and Infocommunications Authority in the name of corporate social responsibility,” and it cannot force deletion; rather, it can only “request the removal of the contested content.”³⁸ Cases of copyright infringement are usually considered under civil law and can result in the “destruction of the device or material.”³⁹ However, copyright infringement cases that cause financial injury can be punishable by imprisonment under the Criminal Code.⁴⁰

There is only anecdotal evidence on the extent of online self-censorship in Hungary, which is not due to direct state interference, but to political or economic pressure. As one investigative journalist put it, “the threat of a lawsuit is often enough for Hungarian media companies to publish demanded corrections immediately, without trying to defend their work in court,” and the interests of media owners can lead to “excessive self-censorship.”⁴¹ A 2006 journalist survey indicated that for online news sites, attempts to apply political or economic pressure were low compared to dailies in the traditional media sphere.⁴² However, recent cases suggest that some kind of pressure provoking self-censorship does exist in state-run media.⁴³

Since 2011, the state-owned Hungarian News Agency (MTI) has had a virtual monopoly on the market, as most of its news items are freely available. Consequently, media outlets that have been impacted by the economic crisis tend to publish MTI news items. Csaba Belényesi, head of the MTI, said in an interview that “a public service media outlet has to be loyal to the government and fair to the opposition.”⁴⁴ The media regulation obliges the MTI to produce news bulletins for public service broadcasters and to edit their joint news portal.⁴⁵

The information landscape of online content in Hungary is relatively diverse. The two main news portals in Hungary are Index.hu and Origo.hu, both of which have around 750,000

³⁸ “Operation of the Internet Hotline,” Internethotline.hu, accessed June 27, 2012, http://internethotline.hu/tart/index/51/Operation_of_the_Internet_Hotline.

³⁹ Act LXXVI of 1999 on copyright, Art. 94.

⁴⁰ Act IV of 1978 on the Criminal Code, Art. 329/A.

⁴¹ Tamás Bodoky, “Hungarian media law doomed,” Reportingproject.net, accessed August 15, 2012, <http://www.reportingproject.net/occrp/index.php/press-box/882-hungarian-media-law-doomed>.

⁴² Mária Vásárhelyi, “Foglalkozása: újságíró” [Profession: journalist], Magyar Újságírók Országos Szövetsége, Budapest, 2007, p. 84.

⁴³ “Journalists protest manipulation with hunger strike,” Spiegel.de, December 16, 2011, <http://www.spiegel.de/international/europe/0,1518,804299,00.html>.

⁴⁴ Ágnes Lampé, “Kormányfelügyelet a médián: »Most tesszük le a magyar BBC alapjait«” [Government control over the media: “We establish the basis of the Hungarian BBC”], 168ora.hu, December 13, 2010, <http://www.168ora.hu/itthon/kovetkezik-a-hirado-kapcsoljuk-az-mti-t-66216.html>.

⁴⁵ Act CLXXXV of 2010, Art. 101, par. 4.

individual visitors daily.⁴⁶ Most civil society organizations have websites, and an increasing number of them have a presence on Facebook. There are some media outlets, including online portals, for the minority Roma community.⁴⁷ Members of LGBT community and religious groups have their online sources and forums as well.

Nevertheless, Hungarian society is politically divided, as is the press, and partisan journalism is widespread.⁴⁸ Blogs are generally considered an opinion genre and do not express independent or balanced news. According to an unrepresentative survey, 46.5 percent of blog-readers consume blogs on politics and current affairs, and one of the reasons why people read blogs is because they represent strong opinions.⁴⁹ There are also blogs analyzing governmental policies, acts of public figures, and corruption.⁵⁰ Trolling is usually moderated where it is possible to comment on articles, typically to prevent negative discussions. However, political trolling has become widespread using fake IDs on Facebook,⁵¹ which has nearly four million users in Hungary as of early 2012.⁵²

Facebook has grown increasingly popular in Hungary, especially after the 2010 parliamentary elections.⁵³ In 2011 and early 2012, many Facebook groups were formed, and several large demonstrations mobilizing tens of thousands of people both for⁵⁴ and against the government⁵⁵ were organized through Facebook⁵⁶ and disseminated on other social-networking sites. Protests for social issues were also organized,⁵⁷ and there was at least one

⁴⁶ “Daily average for December 2011,” Medián webaudit, accessed January 30, 2012, <http://webaudit.hu/>.

⁴⁷ Borbála Tóth, “Minorities in the Hungarian media. Campaigns, projects and programmes for integration,” Center for Independent Journalism, Budapest, 2011, p. 19.

⁴⁸ If a media outlet does not have a leaning to a political/ideological side, then it is apolitical, dedicated to human interest stories, crimes, and catastrophes.

⁴⁹ Tamás Bodoky, “Támad a civilmédia: minden ötödik Index-olvasó blogol” [The civil media is attacking: every fifth Index-reader is blogging], in Médiakutató (Media researcher), 2008 summer, http://www.mediakutato.hu/cikk/2008_02_nyar/06_civilmedia_index_blog/.

⁵⁰ To name a few: Mandiner.hu, Szuveren.hu, Velemenyvezer.blog.hu, K-monitor.hu, Atlatszoo.hu, and the sites of Human Civil Liberties Union (Tasz.hu) and Eötvös Károly Institute (Ekint.org).

⁵¹ Thomas Bauer, “Tükröt tartva a magyar valóságnak: trollok és familiárisok” [Holding a mirror to the Hungarian reality: trolls and familiars], February 16, 2011, <http://thomasbauer.b02.hu/blog/?p=397>; “Baloldali trollok támadása” [Attack of left-wing trolls], Atvhamisit.blog.hu, January 11, 2012, <http://atvhamisit.blog.hu/2012/01/11/bt>; “Fantom trollok védik a Fidesz-kormányt Facebookon” [Phantom trolls protect the Fidesz government on Facebook], Piroslapok.blog.hu, January 21, 2011, http://piroslapok.blog.hu/2011/01/21/fantom_trollok_vedik_a_fidesz_kormanyt_facebookon.

⁵² Socialbakers, “Hungary Facebook Statistics,” accessed January 26, 2012, <http://www.socialbakers.com/facebook-statistics/hungary>.

⁵³ Walter Mayr, “Facebook generation fights Hungarian media law,” Spiegel.de, January 4, 2011, <http://www.spiegel.de/international/europe/0,1518,737455,00.html>.

⁵⁴ “100,000 march in Hungary pro-government rally against EU criticism,” Washington Post, January 21, 2012, <http://159.226.12.170/pkmg/viewShot.do?type=record&id=000000003339dcce0135025aace71e02>.

⁵⁵ “Hungarians protest against new Fidesz constitution,” BBC, January 3, 2012, <http://www.bbc.co.uk/news/world-europe-16387117>.

⁵⁶ “LIVE BLOG: »Don’t like the system? – Protest!« Demonstration; Budapest,” Thecontrarianhungarian.wordpress.com(blog), October 23, 2011, <https://thecontrarianhungarian.wordpress.com/2011/10/23/live-blog-dont-like-the-system-protest-demonstration-budapest/>.

⁵⁷ “Civil sphere and grassroots protest in Hungary: December, 2011,” Thecontrarianhungarian.wordpress.com (blog), January 2,

unannounced protest organized partly via mobile phones.⁵⁸ However, the extent of mobile phone use in organizing protests is unknown.

VIOLATIONS OF USER RIGHTS

The Fundamental Law of Hungary—drafted and passed in 2011—acknowledges the right to freedom of expression and defends “freedom and diversity of the press,”⁵⁹ however, there are no laws that specifically protect online modes of expression. In January 2012, the European Commission launched infringement proceedings against Hungary at the European Court of Human Rights in Strasbourg, partly regarding the independence of the judiciary, which has been threatened by the early retirement of judges over 62 years old and the concentration of Fidesz party members.⁶⁰

The Civil Code recognizes civil rights and poses a ban on insulting an individual’s honor.⁶¹ Libel cases demonstrate that the courts generally protect freedom of expression, except when there is a conflict with another basic right. Defamation cases have decreased since a 1994 decision of the Constitutional Court, which claimed that a public figure’s tolerance of criticism should be higher than an ordinary citizen’s.⁶² Nevertheless, Hungarian law does not distinguish between traditional and online media outlets in libel or defamation cases. The Criminal Code bans defamation, slander, the humiliation of national symbols (the anthem, flag, and coat of arms), the dissemination of totalitarian symbols (the swastika and red pentagram), the denial of the sins of national socialism or communism, and public scare-mongering through the media.⁶³ The Criminal Code has been used “sporadically” in cases of defamation or slander.⁶⁴

2012, <http://thecontrarianhungarian.wordpress.com/2012/01/02/civil-sphere-and-grassroots-protests-in-hungary-december-2011/>; “28 arrested in sit-in against criminalization of homelessness in Budapest, Hungary,”

Thecontrarianhungarian.wordpress.com (blog), November 13, 2011,

<http://thecontrarianhungarian.wordpress.com/2011/11/13/28-arrested-in-sit-in-against-criminalization-of-homelessness-in-budapest-hungary/>.

⁵⁸ “December 16. 17:00-tól: köztér foglалás!” [16 December from 5 p.m.: public space occupation!], Belvaros.blogspot.com (blog), December 16, 2011, <http://belvaros.blogspot.com/2011/12/kozterfoglalas-8-keruleti-vig.html>. The protest, organized against the criminalization of homelessness, was said to be successful, as the office established for the penalization of the homeless closed for that evening and no one was taken into custody from the participants. “Köztér foglалás beszámoló” [Public space occupation report], accessed January 30, 2012, <http://kozterfoglalas.nfshost.com/thanks.php>.

⁵⁹ The Fundamental Law of Hungary (25 April 2011) Art. IX., 1–2.

⁶⁰ As the retirement age in case of judges and prosecutors was lowered and as the judiciary system was reorganized in a way that the powers became concentrated in the hands of the new National Judicial Office. “European Commission launches accelerated infringement proceedings against Hungary,” European Commission, January 17, 2012, http://ec.europa.eu/economy_finance/articles/governance/2012-01-18-hungary_en.htm.

⁶¹ Act IV of 1959 on the Civil Code, Art. 75–85.

⁶² Bajomi-Lázár and Kertész 2007, pp. 177–183.

⁶³ Act IV of 1978 on the Criminal Code, Art. 179, 180, 269/A, 269/B, 269/C, Art. 270, 270/A.

⁶⁴ Péter Bajomi-Lázár and Krisztina Kertész, “Media Self-Regulation Practices and Decriminalization of Defamation in Hungary,” p. 179, in *Freedom of Speech in South East Europe: Media Independence and Self-Regulation*, 2007, ed. Kashumov, Alexander (Sofia:

The most recent incident occurred in 2008 when the Hungarian Supreme Court found a journalist guilty of libel for describing the famous Hungarian Tokaj wine as “shit” in an article published in both the print and online versions of a daily newspaper. In a positive development, the decision was reversed at the European Court of Human Rights in 2011.⁶⁵ Otherwise, no individual has been detained, prosecuted, or sanctioned by the law for disseminating or accessing information political or social issues through ICTs.

Journalists are entitled to “editorial independence and independence of journalism” by law,⁶⁶ and “in exceptionally justified cases,” courts or authorities may require media outlets to reveal their sources “in the interest of protecting national security and public order or uncovering or preventing criminal acts.” Otherwise, journalists have the right not to reveal their sources.⁶⁷ There are no further distinctions between journalists and everyday citizens or bloggers.

Generally, users who wish to comment on a web article need to register with the website by providing an email address and nick name. The operator of a website might be asked to provide the commenter’s internet protocol (IP) address, email or other data in case of an investigation.⁶⁸ The 2010 media regulation “blurred the responsibility of the media outlet and the commenter.”⁶⁹ Consequently, at least one website decided to disable the commenting option in 2011.⁷⁰ In July 2011, an inquiry was launched against the online version of the daily *Népszava* because of a comment that was considered offensive,⁷¹ even though the Media Council stated that comments are not subject to regulation.⁷²

There are no restrictions on anonymous communication, and encryption software is freely available without government interference. Pretty Good Privacy (PGP), a data encryption program, is often used by investigative journalists.⁷³ Nevertheless, to sign a contract with the mobile phone company, users must provide personal data upon purchase of a SIM card.⁷⁴

Media Development Center, pp. 162–193).

⁶⁵ “European Court of Human Rights acquits Hungarian journalist of libel,” Politics.hu, July 20, 2011, <http://www.politics.hu/20110720/european-court-of-human-rights-acquits-hungarian-journalist-of-libel/>.

⁶⁶ Act CIV of 2010, Art. 7, par. 1.

⁶⁷ Act CIV of 2010, Art. 6.

⁶⁸ Act XIX of 1998 on criminal proceedings, Art. 178/A, par. 1.

⁶⁹ Anonymous internet expert, e-mail communication, February 7, 2012.

⁷⁰ “Ha eljön a hajnal, menni muszáj – búcsú a kommentektől” [We must leave when dawn is coming – farewell from comments], Velvet.hu, June 30, 2011, <http://velvet.hu/trend/2011/06/30/ha-eljon-a-hajnal-menni-muszaj-bucsu-a-kommentektol/>.

⁷¹ “Kormánytag kezdeményezett eljárást lapunk ellen – egy komment miatt” [Member of government initiated an inquiry against us – because of a comment], Nepszava.hu, July 1, 2011, <http://www.nepszava.hu/articles/article.php?id=445426>.

⁷² “A kommentekre nem vonatkozik a médiatörvény” [The media law does not concern comments], Index.hu, July 3, 2011, <http://index.hu/belfold/2011/07/03/a-kommentekre-nem-vonatkozik-a-mediatorveny/>.

⁷³ Mapping Digital Media: Hungary, p. 50.

⁷⁴ Act C of 2003, Art. 129, par. a.

National security services can collect traffic data (such as caller and recipient phone numbers, SIM cards personal data, the geographic location of the two SIM cards, and the browsing data of certain IP addresses) from telecommunication systems and other data storage devices without a warrant.⁷⁵ Further, the authorities have allegedly installed “black boxes” on ISP networks,⁷⁶ which allow them to access and record communication transmitted via ICTs, albeit with a warrant.⁷⁷ Nevertheless, there is no data on the extent to which they monitor ICTs and how regularly they do it.

In accordance with the EU Directive 2006/24/EC on data retention, ISPs and mobile phone companies need to retain user data for up to one year, including personal data, location, caller phone numbers, the duration of phone conversations, IP addresses, and user IDs for investigative authorities and security services.⁷⁸ There is no data on these activities even though there is a legal obligation to provide the European Commission with statistics of the queries for data made by the investigating authorities.⁷⁹ Cybercafes, on the other hand, are not required to collect user information, and anyone can access internet at a cybercafe without registration.

Bloggers, ICT users, websites or their property are not subject to extralegal intimidation or physical violence by state authorities or any other actors. However, in September 2011, photographers of the news portals, Index.hu and Origo.hu, were banned from parliament because they had allegedly taken pictures of the prime minister’s notes.⁸⁰ In a separate incident in December 2011, journalists from Index.hu were banned from parliament for being disrespectful after they posted a video of two reporters singing and dancing in the building.⁸¹ The journalists were permitted to enter parliament again roughly a month later. In January 2012, a photographer from Vagy.hu was not admitted to the public ball of Debrecen city because the organizers claimed that the local news site was not registered with the NMHH.⁸² These types of incidents impede the ability of journalists to cover the news, compromising the Hungarian news and information landscape.

In response to the Hungary’s new 2010 media regulations, the international hacker group Anonymous posted a video on YouTube threatening the Hungarian government with a

⁷⁵ Act CXXV of 1995, Art. 54.

⁷⁶ “Hungary – Privacy Profile,” Privacy International, January 22, 2011, <https://www.privacyinternational.org/reports/hungary>.

⁷⁷ Act CXXV of 1995 on the national security services, Art. 56.

⁷⁸ Act C of 2003, Art. 159/A; “Hungary – Privacy Profile,” Privacy International, January 22, 2011.

⁷⁹ Act C of 2003, Art. 159/A, par. 7.

⁸⁰ “Photographers banned from Hungarian Parliament,” *Thecontrarianhungarian.wordpress.com* (blog), September 20, 2011, <http://thecontrarianhungarian.wordpress.com/2011/09/20/photographers-banned-from-hungarian-parliament/>.

⁸¹ “Hungary’s leading online news portal banned from parliament,” *Politics.hu*, December 22, 2011, <http://www.politics.hu/20111222/hungarys-leading-online-news-portal-banned-from-parliament/>.

⁸² Zsolt Kácsor, “Debrecen nem kért a TV2 és az RTL kameráiból” [Debrecen did not want the cameras of TV2 and RTL Klub], *Nol.hu*, January 16, 2012, http://nol.hu/lap/mo/20120116-csak_a_helyi_teve_tudosithatott_a_rekordkiserletrol.

cyberattack in August 2011.⁸³ Since then, two sites were attacked by Anonymous via distributed denial-of-service (DDoS) attacks: the website of the National Board Against Counterfeiting in response to the ACTA debate in early 2012, and the personal website of the Minister of State for Education in protest against a new education bill.⁸⁴

⁸³ “The Anonymous message to Hungarian government,” YouTube, accessed January 30, 2012, <http://www.youtube.com/watch?v=SStDZ5De1Og>.

⁸⁴ Máté Nyusztay, “A rendszert támadjuk’ – Magyarország is az Anonymous célkeresztjében” [‘We attack the system’ – Hungary is among the targets of Anonymous], NOL.hu, February 15, 2012, http://nol.hu/belfold/a_rendszert_tamadjuk_-_magyarorszag_is_az_anonymus_celkeresztjeben.